UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/739,354	12/18/2003	Chad M. Fors	CE10577R	9648

22917   7590   02/25/2010
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EXAMINER
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ART UNIT	PAPER NUMBER
2439	

NOTIFICATION DATE	DELIVERY MODE
02/25/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 October 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Patel(7,475,

241).

3.   As per claims 1, 11, Patel et al. discloses a method of providing authentication services

for applications that are running on a client and requiring access to a network based server(, the

method comprising: establishing a network connection further comprising an authentication with

the network(see col. 2, lines 53-63); generating, responsive to the authentication, a first dynamic

seed(seed is derived from key information that includes a random number) locally at the network

based server(i.e. home agent/AAA server)(see col. 5, lines 13-15, col. 7, lines 15-27, col. 8, lines

66-67, col. 9, lines 1-11); generating, responsive to authentication, a second dynamic seed(seed

is derived from key information that includes a random number) locally at the client(i.e. mobile

node) without utilizing the first dynamic seed(the client and server generate the seeds

independently of each other thus the first dynamic seed is not used to generate the second

dynamic seed)(see col. 5, lines 13-15, col. 7, lines 15-27, col. 8, lines 66-67, col. 9, lines 1-11),

wherein the generated second dynamic seed is consistent with the first dynamic seed(consistent

because they use the same formula)(see col. 8, lines 66-67, col. 9, lines 1-2); generating a first

application key(i.e. shared key) independently at the network based server corresponding to the

locally generated first dynamic seed, wherein the first application key is generated without the

client intervention; generating a second application key independently at the client corresponding

to the locally generated second dynamic seed, wherein the second application key is generated

without utilizing the first application key(see col. 5, lines 13-15, col. 7, lines 15-27, col. 8, lines

66-67, col. 9, lines 1-11); and providing the generated first application key to facilitate

authenticating an application at the network based server and the generated second application

key to facilitate authenticating an application at the client(see col. 7, lines 45-52).

4.   As per claim 2, Patel discloses generating the first application key further comprises

storing the first application key at the network based server for subsequent retrieval to facilitate

the authenticating an application(see col. 6, lines 66-67, col. 7, lines 1-14) and wherein

generating the second application key further comprises storing the second application key at the

client for subsequent retrieval to facilitate the authenticating an application(see col. 11, lines 55-

67, col. 12, lines 1-9).

5.   As per claim 3, Patel discloses wherein generating the first application key further

comprises generating a plurality of application keys where each of the plurality of keys

corresponds to a different application and wherein generating the second application key further

comprises generating a plurality of application keys where each of the plurality of keys

corresponds to a different application (see col. 12, lines 9-33).

6.   As per claims 4, 14, Patel discloses providing the first application key further comprises

providing an application seed and generating keying information specific to the application and

wherein providing the second application key further comprises providing an application seed

and generating keying information specific to the application (see col. 5, lines 13-15, col. 7, lines

15-27, col. 8, lines 66-67, col. 9, lines 1-11).

7.   As per claim 5, Patel discloses wherein providing the first application key further

comprises providing a new application key every time the authenticating the application is

required and wherein providing the second application key comprises providing a new

application key every time the authenticating the application is required(see col. 9, lines 44-55).

8.   As per claim 6, Patel discloses providing the first application key further comprises

providing the first application key corresponding to a time duration within which the first

application key is valid and wherein providing the second application key further comprises

providing the second application key corresponding to a time duration within which the second

application key is valid (see col. 9, lines 25-33, col. 13, lines 8-11).

9.   As per claim 7, Patel discloses generating the first dynamic seed further generating a new

dynamic seed each time an authentication with the network occurs, the generating the first

application key further comprises generating a new application key corresponding to the new

dynamic seed, and the providing the first application key further comprises providing the new

application key(see col. 5, lines 13-15, col. 7, lines 1-27, col. 8, lines 66-67, col. 9, lines 1-11,

44-55).

10.   As per claim 8, Patel discloses wherein the authentication with the network

utilizes processes corresponding to an Extensible Authentication Protocol, inherent in Patel

because Patel discloses an AAA server that is used with RADIUS protocol(see col. 6, lines 66-

67, col. 7, lines 1-5)

11.   As per claims 9, 19, Patel discloses implemented by one of a client (mobile node) and a network server (AAA server/home agent) (see col. 5, lines 8-10).

12.   As per claims 10, 20, Patel discloses implemented by one of a wireless client (i.e. mobile node) and a network server accessed via a wireless network (see col. 5, lines 16-18).

13.   As per claim 12, Patel discloses wherein the programming instructions for storing the first application key in persistent storage at the network based server and the second application key in persistent storage at the client for subsequent retrieval to facilitate the authenticating an application (see col. 6, lines 66-67, col. 7, lines 1-14, col. 11, lines 55-67, col. 12, lines 1-9).

14.   As per claim 13, Patel discloses wherein the programming instructions for generating a plurality of application keys where each of the plurality of keys is derived from the first and second dynamic seeds and corresponds to a different application(see col. 12, lines 9-33).

15.   As per claim 15, Patel discloses wherein the programming instructions for providing a different application key every time the authenticating the application is required (see col. 9, lines 44-55).

16.   As per claim 16, Patel discloses wherein the programming instructions for providing the first and second application keys and the first and second application keys further corresponds to a time duration within which the application key is valid(see col. 9, lines 25-33, col. 13, lines 8-11).

17.   As per claim 17, Patel discloses wherein the programming instructions for providing a new dynamic seed each time an authentication with the network occurs, and for generating a new application key corresponding to the new dynamic seed and providing the new application key to

facilitate the authenticating the application (see col. 5, lines 13-15, col. 7, lines 1-27, col. 8, lines 66-67, col. 9, lines 1-11, 44-55).

18.   As per claim 18, Patel discloses wherein the programming instructions for completing the authentication with the network utilizes processes corresponding to Extensible Authentication Protocol with Subscriber Identity Module extensions (see col. 12, lines 9-20).

Response to Applicant

19.   The Applicant replied on 10/23/09 to Non-final action dated 7/23/09. Claims 1-20 are pending.   Applicant's arguments filed 10/23/09 have been fully considered but they are not persuasive.

20.   The Applicant argues that the Applicant's claimed invention has four distinct limitations at the server and the client.   The Applicant states that the claims claim, "first and second dynamic seeds and first and second application keys".   The Applicant states darn that Patel only discloses one feature which is a shared key.   The Applicant further states that the same shared key cannot be used to disclose the "first and second application key" with the Applicant's "first and second dynamic seed".   The Examiner disagrees with the Applicant.   The claims do not claim, the first and second application keys are different.   Therefore, the Applicant's remarks in regards to this feature is moot.   If the Applicant wants to further prosecution, the Applicant is urged to make a distinction with regards to the claims that the first and second application key, that the first application key is different from the second application key.

21.   The Applicant argues that the first dynamic seed and the first application key is not generated at the network based server, and the second dynamic seed and the second application

key is not generated at the client of Patel. The Examiner disagrees with the Applicant.   Patel

discloses that the mobile node(i.e. client) and the home agent(i.e. server) may separately derive

(i.e. generate) the shared key(i.e. application key), eliminating the need to transmit the shared

key and the risk of its decryption (see col. 5, lines 12-16). The Examiner asserts the first

application key is the shared key that is derived by the home agent, and the second application

key is derived at the mobile node(see col. 9, lines 51-52). Furthermore, Patel discloses that the

home agent and the mobile node separately dynamically generate the shared key(i.e. application

key)(see col. 7, lines 53-54).   Patel discloses a variety of formulas may be used to generate the

shared session key(see col. 8, lines 66-67, col. 9, lines 1-6).   Patel discloses the generated shared

key can be generated by using the same formula(se col. 9, lines 1-3). Patel discloses the shared

key is derived by using a random number(i.e. dynamic seed)(see col. 9, line 5).   Thus, Patel

discloses since the mobile node and the home agent both derive the shared key separately, and

use that dynamic seed to generate the shared key, the claim limitations that the Applicant is

arguing are meet by Patel.   The first dynamic seed is the random number used to calculate the

shared key at the server, and the second dynamic key is the random number that is used to

calculate the shared key at the client.

Final Action

22.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JENISE E. JACKSON whose telephone number is (571)272-

3791. The examiner can normally be reached on Increased Flex time, but generally in the office

M-Fri(8-4:30)..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 18, 2010

/J. E. J./

Examiner, Art Unit 2439

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2439